

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-2  
AGENDA DATE: Thu 04/22/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0031 - Davenport Village - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3801 North Capitol of Texas Highway (Lake Austin Watershed) from interim-community commercial (I-GR) district zoning to commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning.. Zoning and Platting Commission Recommendation: To grant commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: D.V. Partners Ltd. (Robbie Mayfield). Agent: Lopez-Phelps and Assoc. (Amelia Lopez-Phelps). City Staff: Glenn Rhoades, 974-2775.

<b>REQUESTING</b>	Neighborhood Planning	<b>DIRECTOR'S</b>
<b>DEPARTMENT:</b>	and Zoning	<b>AUTHORIZATION:</b> <u>Greg Guernsey</u>

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0031

**Z.A.P. DATE:** April 6, 2004

**C.C. DATE:** April 22, 2004

**ADDRESS:** 3801 N. Capitol of Texas Hwy

**OWNERS:** D.V. Partners Ltd. (Robbie Mayfield)

**AGENT:** Lopez-Phelps & Assoc.  
(Amelia Lopez-Phelps)

**ZONING FROM:** I-GR

**TO:** CS-1-CO

**AREA:** .069 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to CS-1-CO, Commercial Liquor Sales-Conditional Overlay district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

April 6, 2004 – Approved staff recommendation of commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning (Vote: 8-0-1, K. Jackson – absent).

### **ISSUES:**

The applicant has agreed to enter into a private restrictive covenant that states the existing liquor store use will cease within 90 days of approval of this case.

This case is related to case C14-04-0032, where the request is to rezone from CS-1-CO to GR-CO. Both tracts are a part of the Davenport Village Shopping Center. According to the applicant, the owner wishes to change the location of an existing liquor store to another section of the shopping center. However, there is an agreement that was entered into by the owner to not have more than one liquor store. Therefore, the applicant is requesting to rezone the subject tract to CS-1-CO and down zone another tract (C14-04-0032) to GR-CO (see map). All conditions that have been imposed on the original CS-1-CO case will apply. The following uses are currently prohibited:

Adult oriented businesses  
Art and craft studio (general)  
Campground  
Commercial blood plasma center  
Convenience storage  
Equipment repair services  
Kennels  
Vehicle storage  
Custom manufacturing  
Maintenance and service facilities  
Transportation terminal

Agricultural sales and services  
Building maintenance services  
Cocktail lounge  
Construction sales and services  
Electronic prototype assembly  
Equipment sales  
Laundry services  
Veterinary services  
Limited warehousing and distribution  
Transitional housing

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-CO	Davenport Village Shopping Center
<i>North</i>	RR	Condominiums
<i>South</i>	SF-1, RR	Single Family
<i>East</i>	RR, SF-1	Single Family
<i>West</i>	Loop 360	

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Lake Austin**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

#348 – Davenport Ranch Master Neighborhood Association  
 #434 – Lake Austin Business Owners  
 #511 – Austin Neighborhoods Council  
 #605 – City of Rollingwood

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-98-0124	I-LO to GR-CO	Approved GR-CO. The CO prohibits auto rentals, auto repair, auto sales, auto washing, business or tradeschool, commercial off-street parking, drop off recycling, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, outdoor sports and recreation, service station, bed and breakfasts, theater, college and university facilities, community recreation public, private primary educational facilities, private secondary educational facilities, public secondary educational facilities, private primary educational facilities, residential treatment, telecommunications tower, drive through as an accessory use (Vote: 6-0-1). 5/25/99	Approved PC recommendation (Vote: 6-1). 8/26/99.
C14-02-2080	GR to CS-1	Approved CS-CO. The CO	Approved PC recommendation

		prohibits adult businesses, agricultural sales and services, art and craft studio general, building maintenance services, campground, cocktail lounge, blood plasma center, construction sales and services, convenience storage, electronic prototype assembly, equipment repair services, equipment sales, kennels, laundry services, vehicle storage, veterinary services, custom manufacturing, limited warehousing, maintenance and service facilities, transitional housing, transportation terminal (Vote: 9-0), 6/27/00	(Vote: 7-0). 8/30/00
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**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Capital of Texas Highway	300'	2@40'	Major Arterial	N/A
Westlake Drive	90'	Varies	Collector	N/A
Long Champ Drive	90'	2@30'	Collector	N/A

**CITY COUNCIL DATE:** April 22, 2004

**ACTION:**

**ORDINANCE READINGS:** 1st

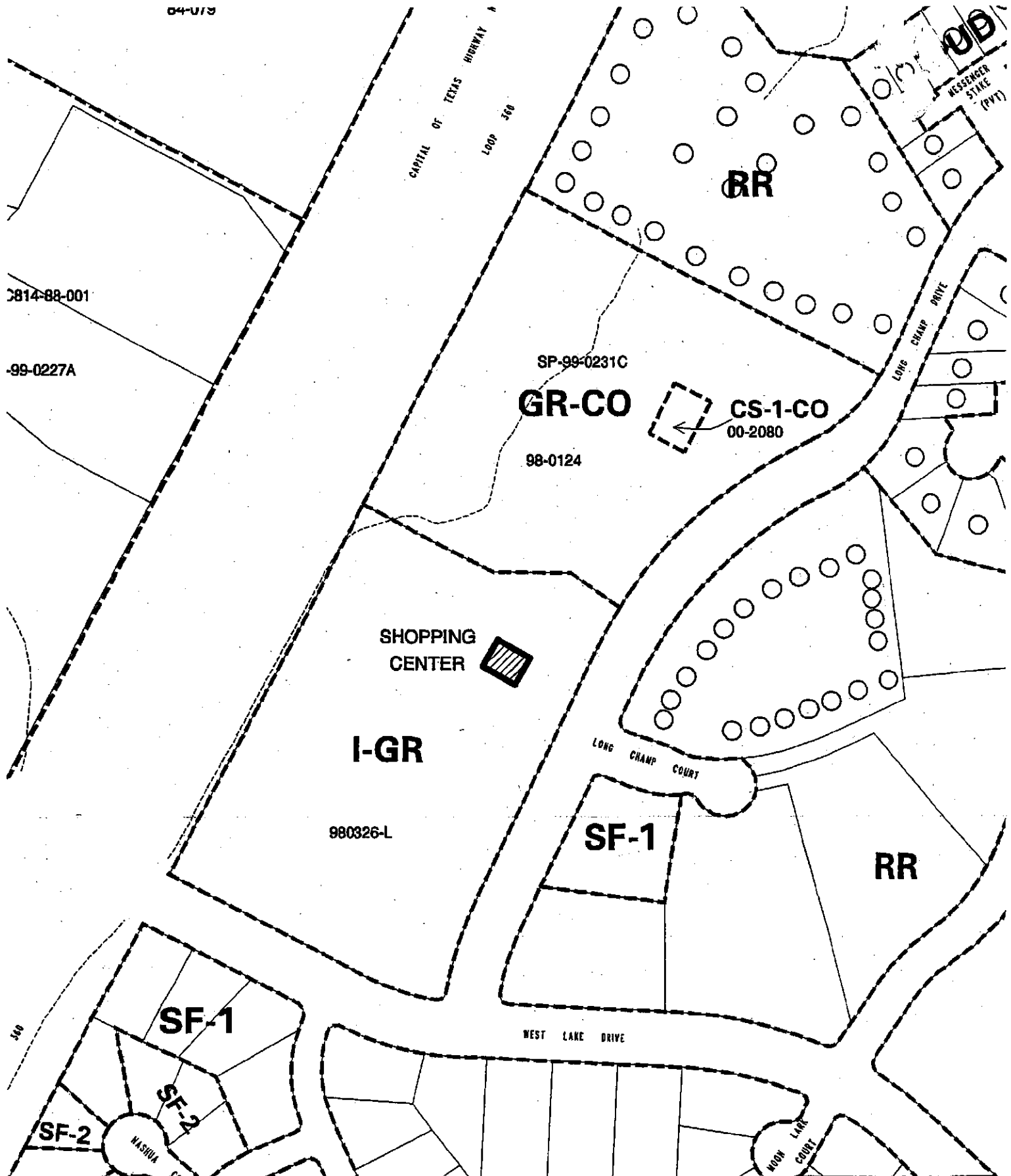
2<sup>nd</sup>


3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775

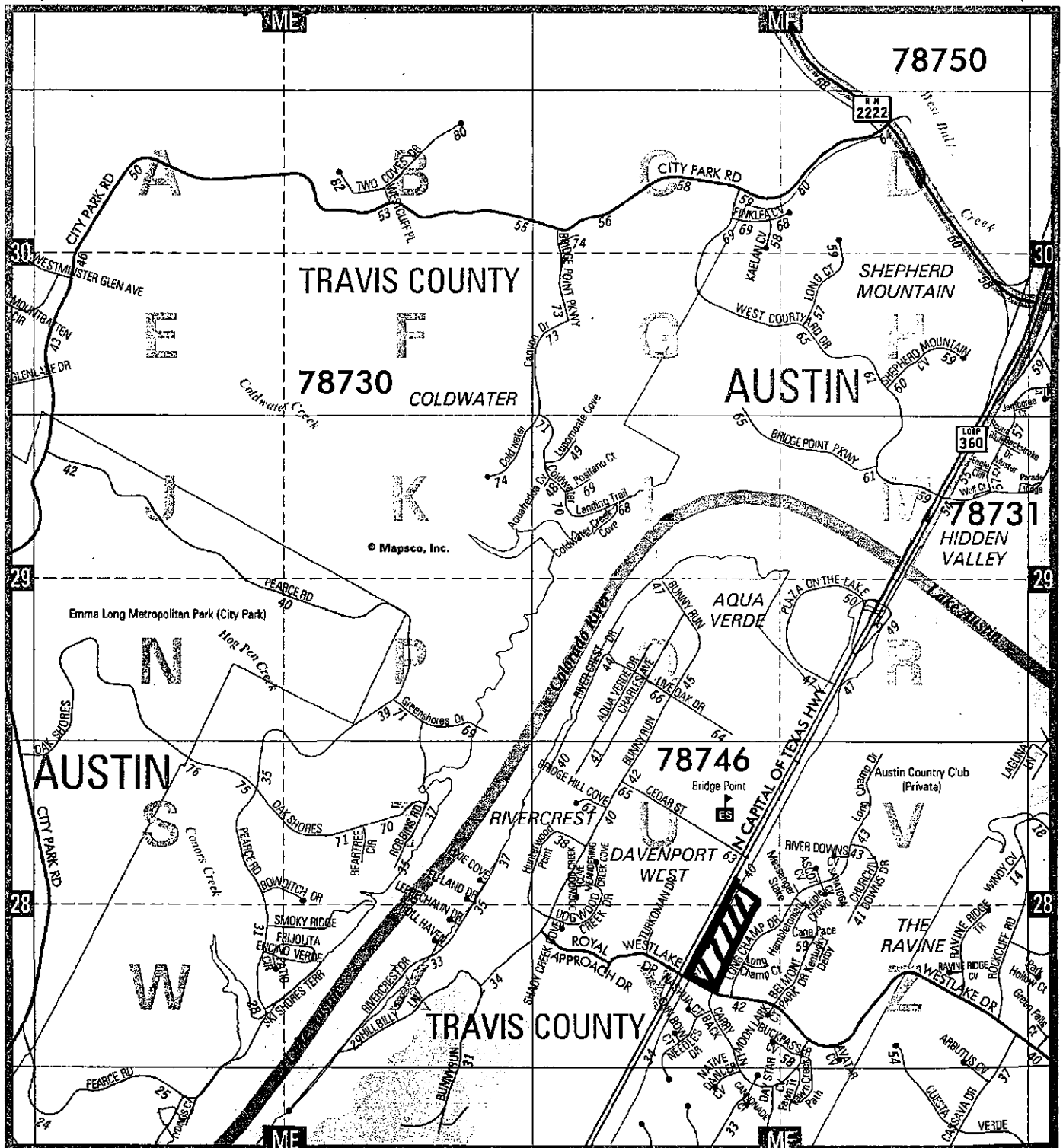


 1" = 200'	<b>SUBJECT TRACT</b> <b>PENDING CASE</b> <b>ZONING BOUNDARY</b> <b>CASE MGR: G.RHOADES</b>	<b>ZONING</b> <b>CASE #: C14-04-0031</b> <b>ADDRESS: 3801 N. CAPITAL OF TX.</b> <b>SUBJECT AREA (acres): 0.069</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>F28</b> <b>DATE: 04-02</b> <b>INTLS: TRC</b>
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MAP

523

CONTINUED ON MAP 493

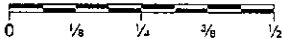


CONTINUED ON MAP 522

CONTINUED ON MAP 553

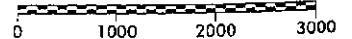
CONTINUED ON MAP 524

SCALE IN MILES

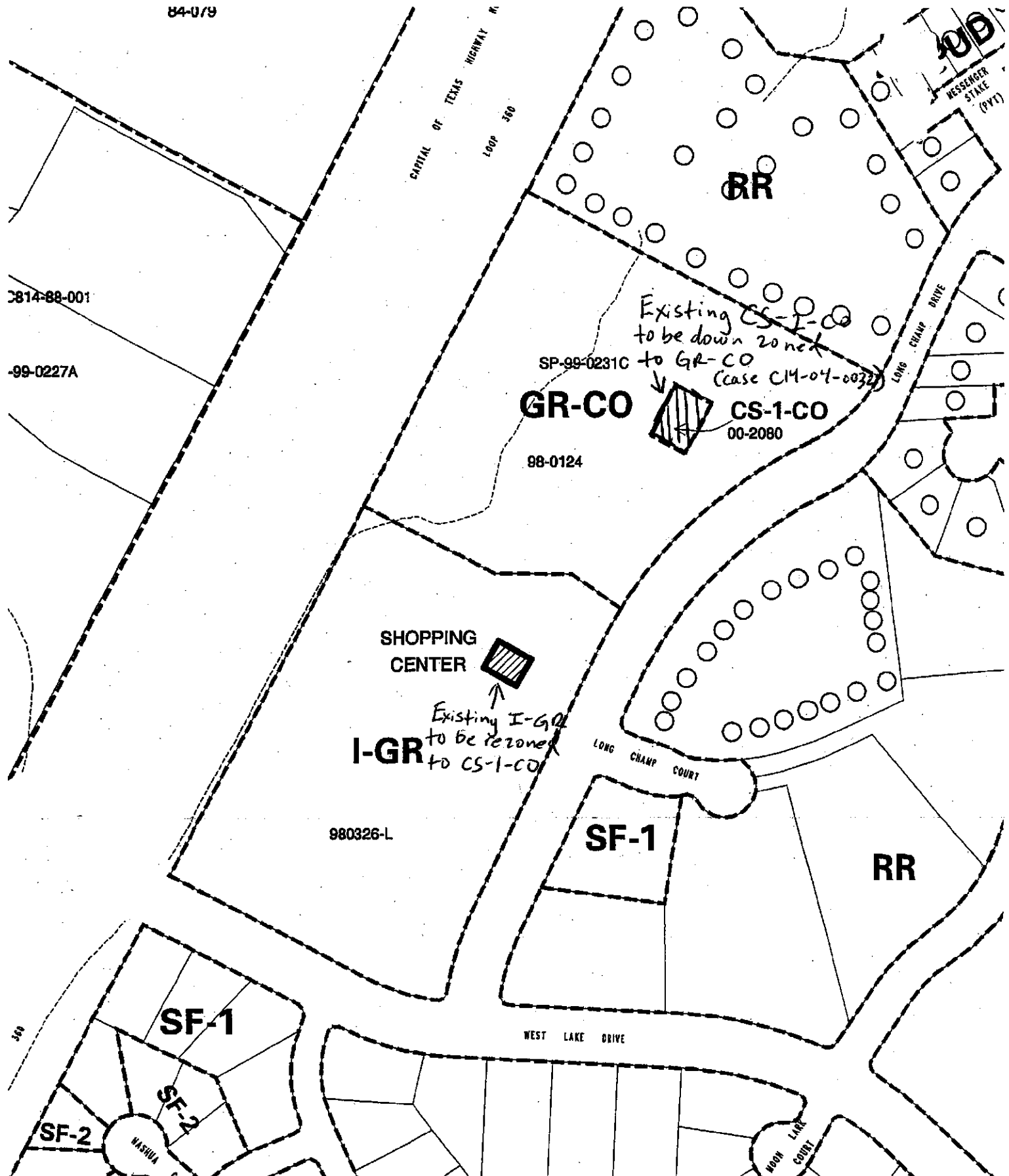


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SCALE IN FEET







	<p><b>SUBJECT TRACT</b></p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: G.RHOADES</p>	<p><b>ZONING</b></p> <p>CASE #: C14-04-0031</p> <p>ADDRESS: 3801 N.CAPITAL OF TX.</p> <p>HWY SUBJECT AREA (acres): 0.069</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p>F28</p>
<p>1" = 200'</p>		<p>DATE: 04-02</p> <p>INTLS: TRC</p>	



## **STAFF RECOMMENDATION**

Staff recommends the proposed change to CS-1, Commercial Liquor Sales district zoning.

## **BASIS FOR RECOMMENDATION**

*The proposed zoning should be consistent with the purpose statement of the district sought.*

CS-1 – Commercial Liquor Sales is the designation for a commercial or industrial use that is incompatible with a residential environment, with liquor sales being a permitted use.

The subject tract meets the purpose statement set forth in the Land Development Code. It is located in an existing shopping center and is fronting an arterial roadway, away from a residential area.

*The proposed zoning should allow for a reasonable use of the property.*

The proposed change is a fair and reasonable use of the site. The proposed change is reasonable because of the existing commercial zoning and the commercial character of the area.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a shopping center.

### **Transportation**

The trip generation under the requested zoning is estimated to be 1,118 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

There are existing sidewalks along Long Champ Drive and Westlake Drive.

Capital of Texas Highway is classified in the Bicycle Plan as a Priority 1 bike route. (Route #9)  
Westlake Drive is classified in the Bicycle Plan as a Priority 1 bike route. (Route #434)

Capital Metro bus service is not available within 1/4 mile of this property.

### **Impervious Cover**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

### **Environmental**

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is not located within the endangered species survey.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility adjustment, or relocation are necessary for the land use, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **Compatibility Standards**

This is footprint zoning within an existing retail center. Any new construction on this site would be subject to compatibility development regulations which would be enforced at the time of site plan submittal.